Modern Slavery Act 2015: Recent Developments

By Thomas Brown

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Summary

The Government has described modern slavery as a “brutal form of organised crime in which people are treated as commodities and exploited for criminal gain”, which “takes a number of forms, including sexual exploitation, forced labour and domestic servitude”.¹ In 2014, the Home Office estimated that there were between 10,000 and 13,000 potential victims of modern slavery in the UK in 2013.²

Legislation relating to modern slavery was enacted across all UK jurisdictions in 2015.³ The Modern Slavery Act 2015, most of the provisions of which apply to England and Wales only, was passed by the UK Parliament and received royal assent on 26 March 2015. The Human Trafficking and Exploitation (Scotland) Act 2015 and the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 were also passed by the Scottish Parliament and the Northern Ireland Assembly, respectively. These measures permit similar victim support measures and law enforcement powers throughout the UK.⁴

The Modern Slavery Act 2015:

- Consolidates and clarifies the existing offences of slavery and human trafficking and increases the maximum penalty for these offences
- Provides for two new civil preventative orders, the Slavery and Trafficking Prevention Order and the Slavery and Trafficking Risk Order
- Creates new maritime enforcement powers, so that the police can pursue traffickers on ships
- Sets up the office of Independent Anti-slavery Commissioner
- Brings in measures focussed to support and protect victims, including a defence for slavery or trafficking victims and special measures for witnesses in criminal proceedings
- Requires certain businesses to say what they are doing to eliminate slavery and trafficking from their supply chains and their own business.

The majority of provisions in the Modern Slavery Act 2015 extend to England and Wales only, though certain provisions, including those relating to the role of the Independent Anti-Slavery Commissioner, protections for overseas domestic workers, transparency in supply chains and the Gangmasters Licensing Authority, also extend, or extended, to Scotland and Northern Ireland.⁵ Since the Modern Slavery Act 2015 received royal assent, the majority of provisions applicable to England and Wales have come into force.⁶

This briefing summarises the main provisions in the Modern Slavery Act 2015 and developments in relation to this legislation since it received royal assent.

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¹ Explanatory Notes, 26 March 2015, p 1.
⁵ ibid, p 3.
1. Modern Slavery Act 2015

1.1 Background

The previous Government stated the following in respect of the background to the legislation:

The [Coalition] Government outlined its strategic response to modern slavery in the Modern Slavery Strategy, published in November 2014. The Inter-Departmental Ministerial Group on Modern Slavery also published its annual report in October 2013 which highlights activity to fight modern slavery across the UK, as well as providing information on the nature and scale of the problem. The Inter-Departmental Ministerial Group published a further joint statement in October 2014.

The intention to introduce a Modern Slavery Bill was announced by the Home Secretary [then Theresa May] on 25 August 2013. The Home Secretary subsequently announced a series of evidence sessions to gather information to support pre-legislative scrutiny of the draft Bill, led by Frank Field MP. A report from the evidence sessions was published on 16 December. A draft bill was published on 16 December and was the subject of pre-legislative scrutiny, with the Joint Committee publishing its report on 8 April [2014].

In June 2014, it was announced in the Queen’s Speech that the Coalition Government would introduce a bill to “strengthen the powers to prevent modern slavery and human trafficking whilst improving support for victims of such crimes”.8

The Modern Slavery Bill was introduced in the House of Commons on 10 June 2014 and received its second reading on 8 July 2014.9 The Bill was examined by a Public Bill Committee before receiving both its report stage and third reading on 4 November 2014. The Bill was introduced in the House of Lords on 5 November and received its second reading on 17 November 2014.10 It completed its final stage on 4 March 2015. After ping pong, the Bill received royal assent on 26 March 2015.

Further information on the background to the Modern Slavery Bill and its passage through Parliament can be found in the following briefings:

- House of Commons Library, Draft Modern Slavery Bill, 15 April 2014
- House of Commons Library, Modern Slavery Bill: Progress of the Bill, 13 March 2015

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7 Explanatory Notes, 26 March 2015, pp 2–3.
8 HL Deb 4 Jun 2014 c3.
10 ibid.
1.2 Provisions

The Government has stated that the Act included provision to:

- Consolidate and simplify existing offences into a single Act;
- Ensure that perpetrators can receive suitably severe punishments for these appalling crimes—including life sentences;
- Introduce new orders to enhance the court’s ability to place restrictions on individuals where this is necessary to protect people from the harm caused by modern slavery offences;
- Create an Independent Anti-Slavery Commissioner to improve and better coordinate the response to modern slavery;
- Introduce a defence for victims of slavery and trafficking;
- Place a duty on the Secretary of State to produce statutory guidance on victim identification and victim services;
- Enable the Secretary of State to make regulations relating to the identification of and support for victims;
- Make provision for independent child trafficking advocates;
- Introduce a new reparation order to encourage the courts to compensate victims where assets are confiscated from perpetrators;
- Close gaps in the law to enable law enforcement to stop boats where slaves are suspected of being held or trafficked;
- Require businesses over a certain size threshold to disclose each year what action they have taken to ensure there is no modern slavery in their business or supply chains.\textsuperscript{11}

The majority of the Act’s provisions extend to England and Wales only, though certain provisions, including those relating to the role of the Independent Anti-Slavery Commissioner, protections for overseas domestic workers, transparency in supply chains and the Gangmasters Licensing Authority, also extend, or extended, to Scotland and Northern Ireland.\textsuperscript{12}

1.3 Implementation

Since the Act received royal assent, the majority of the provisions applicable to England and Wales have come into force.\textsuperscript{13} As at 21 July 2016, provisions relating to maritime enforcement and certain provisions relating to the protection of victims (relating to independent child trafficking advocates and regulations about identifying and supporting victims) were either partially or not fully in force.\textsuperscript{14} In addition, a requirement in relation to the Gangmasters Licensing Authority was repealed by the Immigration Act 2016.

\textsuperscript{12} Explanatory Notes, 26 March 2015, p 3.
Guidance for Police

The College of Policing has published Authorised Professional Practice (APP), the official source of professional practice on policing, for the Modern Slavery Act 2015. The guidance states the following:

The Modern Slavery Act 2015 applies to England and Wales, and includes two substantive offences—human trafficking, and slavery, servitude and forced or compulsory labour. The Act will be implemented in stages. It:

- Consolidates and simplifies existing offences related to the above into a single Act;
- Introduces a statutory defence for victims of trafficking or slavery forced to commit a criminal offence;
- Criminalises preparatory conduct, eg, making a visa application with the aim of bringing someone to the UK on a trafficked basis;
- Replaces section 62 of the Sexual Offences Act 2003—‘committing an offence with intent to commit a sexual offence’ (grooming)—by applying this to any offence of exploitation, not only sexual exploitation offences;
- Increases the maximum sentence available for the most serious offenders from 14 years to life imprisonment, and those with a previous conviction for a specific sexual or violent offence will face an automatic life sentence;
- Ensures that perpetrators convicted of slavery or trafficking face the toughest asset confiscation regime;
- Introduces a new slavery and trafficking reparation order to encourage the courts to compensate victims where assets are confiscated from perpetrators;
- Introduces two civil orders in the form of slavery and trafficking prevention orders (STPOs) and slavery and trafficking risk orders (STROs) to restrict the activity of those who pose a risk of causing harm;
- Creates an Independent Anti-Slavery Commissioner role with an international remit to act in the interests of victims and potential victims by ensuring that the law enforcement response to modern slavery is coordinated;
- Makes provisions for independent child trafficking advocates;
- Places a duty on the Secretary of State to make regulations relating to the identification of and support for victims;
- Establishes a legal duty for specified public authorities to notify the Home Office where they have reasonable grounds to believe that a person may be a victim of modern slavery;
- Requires businesses over a certain size threshold to disclose each year what action they have taken to ensure that there is no modern slavery in their business or supply chains;

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• Closes gaps in the law to enable the police and Border Force to stop boats on which slavery victims are suspected of being held or trafficked.\textsuperscript{16}

**National Referral Mechanism**

The *Modern Slavery Act 2015* extended the National Referral Mechanism (NRM) process, first introduced in 2009, to all victims of modern slavery in England and Wales from 31 July 2015.\textsuperscript{17}

The NRM process grants a minimum 45 day reflection and recovery period whilst the case is assessed. During this time, the person is provided with accommodation and is not liable to immigration enforcement action.\textsuperscript{18}

The Home Office has published guidance on modern slavery for staff and competent authorities, which include further information on the NRM:


**Slavery and Trafficking Prevention Orders (STPOs) and Slavery and Trafficking Risk Orders (STROs)**

Part 2 of the *Modern Slavery Act 2015* introduced two new civil orders: Slavery and Trafficking Prevention Orders (STPOs) and Slavery and Trafficking Risk Orders (STROs). The Home Office has stated the following in respect of these orders:

The police, the National Crime Agency and immigration officers can apply to court for these orders, which allow the courts to place a range of restrictions on the behaviour and activities of a person who poses a risk of committing slavery or trafficking offences.\textsuperscript{19}

The College of Policing Authorised Professional Practice guidance on the *Modern Slavery Act 2015* explains the differences between the orders:

A slavery and trafficking risk order restricts the activity of individuals who have not been convicted of a modern slavery offence but who pose a risk of committing any such offence. It has effect for at least two years or until further order.

A slavery and trafficking prevention order restricts the activity of those who have already been convicted of a modern slavery offence, and has effect for at least five years or until further order.\textsuperscript{20}


\textsuperscript{18} House of Commons Library, *Calls to change overseas domestic worker visa conditions*, 13 May 2016, pp 13–4.


The Home Office has published statutory guidance, as required by section 33 of the Act, which provides further information on both orders:


On 14 July 2016, the Government stated the following in response to written parliamentary questions on the subject of STPOs and STROs:

16 Slavery and Trafficking Prevention Orders (STPOs) have been made on sentencing in the Crown Court under section 14 of the Modern Slavery Act. Data on the number of STPOs applied for on sentencing is not collated centrally. No STPOs have been applied for or made in the Magistrates’ Court.

No slavery and trafficking prevention orders have been applied for or made on application under section 15 of the Modern Slavery Act in the Magistrates’ Court.

Nine Slavery and Trafficking Risk Orders have been applied for on application to the Magistrates’ Court, of which three have been made. Of the remaining six, two were refused, one was withdrawn and three cases were adjourned.  

**Independent Anti-Slavery Commissioner**

Section 40 of the *Modern Slavery Act 2015* established the position of Independent Anti-Slavery Commissioner. The Commissioner’s role is to “encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences and in the identification of the victims of those offences”.  

The post of Independent Anti-Slavery Commissioner is held by Kevin Hyland OBE. Information on the current Commissioner’s activity to date and priorities can be found in the following document:


The House of Commons Home Affairs Committee took oral evidence from the Commissioner on his work on 8 December 2015.


During this session, the Commissioner stated that, in his view, the powers he had in terms of the statutory requirements of prevention, investigation and the increase in prosecutions, were “sufficient”.  

The Commissioner is expected to publish his first annual report on the subject of the UK’s response to modern slavery later this year.  

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21 *PO 42399* and *PO 42402*, 14 July 2016.

22 Independent Anti-Slavery Commissioner, *“Strategic plan 2015 to 2017”*, 16 October 2015.


Independent Child Trafficking Advocates

Section 48 of the Modern Slavery Act 2015 introduced Independent Child Trafficking Advocates to be available to represent and support children where there are reasonable grounds to believe they may be victims of human trafficking.25

In December 2015, the Government laid a report before Parliament which presented findings from an evaluation of a one-year trial of the Independent Child Trafficking Advocates (ICTA) service that took place across 23 local authority areas in England.26 In early June 2016, the Government stated:

Since December 2015, we have worked to address issues identified during the trial. We have engaged with Members of both Houses, the offices of the Independent Anti-Slavery Commissioner and Children’s Commissioner for England. We have also sought views from the voluntary sector and statutory organisations in England and Wales. This engagement has been valuable in assessing how best to deliver an improved service for trafficked children in England and Wales.27

The Government added that it was considering recommendations received and would provide an update on how it intended to proceed in due course.

On 28 June 2016, during a Westminster Hall debate on the subject of Independent Child Trafficking Advocates in which concerns were raised about the delay in establishing the scheme, Karen Bradley, then Parliamentary Under-Secretary at the Home Office, proposed:

[...] two interim measures to improve advocacy now and to prepare for the implementation of the new system as soon as possible.

First, I propose to introduce independent child trafficking advocates at three early adopter sites. The competition for providing those sites will be launched this summer. The sites will enable us to refine the model that was previously tested, including by increasing the speed of referral and the number of people and organisations that can make such referrals; testing the use of quasi-legal powers by advocates and the impact that that will have on their effectiveness and their relationships with statutory agencies; and training and recruiting advocates with specialist skills, such as in certain languages or in dealing with particular forms of abuse, so that they can give more targeted support.

Secondly, in collaboration with the Department for Education, the Home Office will commission a training programme for existing independent advocates, who are statutorily provided to all looked-after children. The training will improve their awareness and understanding of the specific needs of trafficked children and how to support them. But that is not enough. I am also determined to address the other concerns raised in both the trial and the feedback from right hon. and hon. Members).28

25 PO 39263, 9 June 2016. For further information, see House of Commons Library, Independent advocates for trafficked children, 24 June 2016.
27 PO 39263, 9 June 2016.
28 HC Deb 28 June 2016 c50W.
Ms Bradley added that the Home Office would “establish and launch a new child trafficking protection fund, with up to £3 million of government funding initially available over the next three years”.

Maritime Enforcement Powers
Part 3 of the *Modern Slavery Act 2015* provides for constables or enforcement officers to make arrests if they have reasonable grounds to suspect that an offence under section 1 (slavery, servitude and forced or compulsory labour) or section 2 (human trafficking) of the Act has been, or is being, committed on a ship. The Home Office has published a code of practice to be followed in such circumstances:


Transparency in Supply Chains
Section 54 of the *Modern Slavery Act 2015* requires commercial organisations above a certain turnover threshold (currently £36 million per annum) to produce a slavery and human trafficking statement for each financial year setting out what they have done to ensure there is no modern slavery in their supply chains or own business (or that they have taken no such steps).

Following consultation, the Home Office published statutory guidance on 29 October 2015 for organisations on how to ensure that slavery and human trafficking is not taking place in their business or supply chains:


Gangmasters Licensing Authority
The provision relating to the Gangmasters Licensing Authority—the requirement for the Secretary of State to publish a paper on the role of the Gangmasters Licensing Authority within a year of royal assent, and to consult on that paper—was repealed by the Immigration Act 2016, which renamed the body the Gangmasters and Labour Abuse Authority, following a widening of its remit, and added to its functions and powers.

1.4 Criticisms of the *Modern Slavery Act 2015*
Reaction to the *Modern Slavery Act 2015* has been largely positive. However, some stakeholders have criticised aspects of the legislation or perceived delays or omissions.

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Legal Assistance
Commentators have written on the difficulties that victims of trafficking and slavery have had in accessing legal aid. For example, Claire Falconer, Legal Director at the Focus on Labour Exploitation (FLEX) charity, has stated:

[The EU Trafficking Directive] requires legal assistance to be provided “without delay”, potential victims of trafficking and slavery still face significant difficulties in accessing legal aid. In particular they cannot access legal advice until a) they have agreed to be referred to the authorities, and b) it has been determined that there are “reasonable grounds” to believe they are a victim. In the case of third-country nationals and undocumented migrants in particular, referral to the authorities is a daunting and potentially dangerous prospect that often requires expert legal advice on options and consequences. Without early legal aid it is very difficult for someone who has been exploited to make an informed decision about their case.32

In an article published on 14 July 2016, Juliette Nash, a founding member of anti-trafficking legal charity the Anti-Trafficking and Labour Exploitation Unit (ATLEU), provided a summary of that body’s legal challenge on the subject of the Government making legal aid available to victims of trafficking.33 Ms Nash stated that the Ministry of Justice and the Legal Aid Agency agreed to undertake a review into this matter by the end of June 2016; however this will now take place by the end of the current session.

Domestic Workers
In 2012, the Coalition Government introduced a tied visa for overseas domestic workers.34 The tied visa was the focus of a campaign from its introduction by the Kalayaan charity and was an issue raised in debates on the Modern Slavery Bill. In February 2015, an amendment to the Bill was passed in the House of Lords to reinstate the right of overseas domestic workers to change employers. This was later overturned in the House of Commons during ping pong. Claire Falconer, Legal Director at the Focus on Labour Exploitation (FLEX) charity, stated the following on the situation:

Pressed for a solution, the Government extended the right to change employers to victims who agree to be referred to the authorities and who are determined “victims”. For the majority of overseas domestic workers therefore, the tied visa remains, and perpetuates such an imbalance of power between employer and employee as to itself create a situation ripe for exploitation.35

Though describing the Modern Slavery Act 2015 as a “tremendous achievement” in an article for Halsbury’s Law Exchange, equalities lawyer Schona Jolly regretted the Government’s overturning of an

amendment passed by the House of Lords relating to overseas domestic workers. She wrote:

It is lamentable that the Government blocked attempts to ensure protection for domestic workers who often are reduced to hidden sub-strata of society and who are extremely vulnerable to exploitation and abuse from their employers.

In April 2012, as part of the Coalition Government’s intention to curb immigration, a controversial visa measure was introduced which tied overseas domestic workers to their employers—before that, visas for overseas domestic workers permitted people to change their employer once in the UK, enabling them to escape abuse and exploitation.

During the debate on modern slavery in Parliament, this previous provision was recognised as being of real significance in the fight against forced labour and trafficking. Although the House of Lords voted in favour of an amendment that would have allowed vulnerable domestic workers to escape abusive employers, the government re-blocked it. Instead, it offered a half-hearted amendment, which was passed, providing migrant domestic workers with an additional six months stay in the UK if they satisfied the domestic authorities that they had been victims.36

**Transparency in Supply Chains**

In an article published in March 2015, the *Economist* described the *Modern Slavery Act 2015* as “light-touch” law in respect of the requirement for transparency in supply chains, though it argued that pressure would force the issue of reporting on efforts to eradicate modern slavery and human trafficking from supply chains on to managers’ to-do lists.37

In July 2015, the *Financial Times* estimated that 12,000 commercial companies would be affected by the transparency in supply chains requirement.38

In October 2015, the *FT* reported that Neil Carberry, employment director at the Confederation of British Industry, said the group supported the *Modern Slavery Act 2015* but “would have liked a higher threshold” than the £36 million turnover requirement to “ensure businesses required to report have the capacity to do so”.39

In March 2016, the *FT* reported that the “initial company statements have been lacklustre”, adding:

Only 22 of 75 of the statements to comply with the law fulfilled the requirements to be both signed by a director and available on the company’s homepage, according to campaign groups.40

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37 *Economist*, ‘*Everywhere in (supply) chains*’, 14 March 2015.
39 Lindsay Fortado, ‘*Duty comes into force for boards to scrutinise supply chains*, *Financial Times*, 28 October 2015.
40 Lindsay Fortado, ‘*Lacklustre compliance on anti-slavery law*, *Financial Times*, 7 March 2016.
There has been criticism of the absence of a government central repository for commercial company statements (see section 5.2 below for further information)."\(^{41}\)

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\(^{41}\) [HI Deb 13 April 2016 cc255-8.](#)
2. Human Trafficking and Exploitation (Scotland) Act 2015

2.1 Background

The Human Trafficking and Exploitation (Scotland) Act 2015 was a Scottish Government Bill which was passed by the Scottish Parliament on 1 October 2015 and received royal assent on 4 November 2015.

2.2 Provisions

The Scottish Government has stated the following in respect of the aims of the legislation:

The Act’s overarching objective is to consolidate and strengthen the existing criminal law against human trafficking and exploitation and enhance the status of and support for its victims. The Act will also give Ministers power, by regulations, to specify relevant authorities to work with the Scottish Government to develop and implement a Scottish trafficking and exploitation strategy.42

The Act consolidated previously existing trafficking offences into one single offence.43 In addition, the Act strengthened the penalties which can be passed down to perpetrators of human trafficking to a maximum penalty of life in prison.44

Further information on the Act’s purpose can be found in the Scottish Government’s accompanying Policy Memorandum:

- Scottish Government, Human Trafficking and Exploitation (Scotland) Bill: Policy Memorandum, 11 December 2014

Information on Scottish Government activity in relation to human trafficking can be found on the following webpage:


The most recent report of the Inter-Departmental Ministerial Group on Modern Slavery, published in October 2015, provides information on the similarities and differences between the Modern Slavery Act 2015 and the Human Trafficking and Exploitation (Scotland) Act 2015:


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42 Explanatory Notes, 4 November 2015, p 1.
43 ibid, p 1.
3. Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015

3.1 Background

The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 was a private members bill introduced in the Northern Ireland Assembly by Lord Morrow MLA. The Act completed its final stage on 9 December 2014 and received royal assent on 13 January 2015.

3.2 Provisions

Explanatory Notes published by the Northern Ireland Department of Justice in conjunction with Lord Morrow MLA stated that the Act:

- Simplifies the legislative framework surrounding offences of human trafficking and slavery;
- Enhances public protection by amending the sentencing framework for human trafficking and slavery-like offences and introducing slavery and trafficking prevention orders;
- Establishes a statutory minimum sentence for those convicted of human trafficking and slavery-like offences;
- Enhances provision to facilitate the confiscation of criminal assets that have been accumulated as a result of human trafficking and slavery-like offences;
- Enables courts to order individuals convicted of human trafficking and slavery-like offences to pay reparation to their victims;
- Reinforces the criminal justice system’s capacity in terms of prevention and enforcement of trafficking and slavery-like offences;
- Makes it a criminal offence to pay for the sexual services of a person;
- Extends the criminal law in Northern Ireland to forced marriage;
- Makes statutory provision in respect of the assistance and support for victims and potential victims of human trafficking;
- Makes statutory provision in respect of those who wish to leave prostitution;
- Introduces independent guardians for child victims and potential victims of human trafficking as well as separated children; and

• Introduces new measures aimed at protecting victims of human trafficking and slavery-like offences during investigations and criminal proceedings, including the introduction of a statutory defence for slavery or trafficking victims who have been compelled to commit certain offences.\textsuperscript{46}

The Act requires the Department of Justice to publish an annual strategy on tackling the offences in the Act.\textsuperscript{47} A consultation on a draft strategy for 2016–17 is open until 9 September 2016.\textsuperscript{48}

The following Northern Ireland Executive and NI Direct webpages include information on the consultation and the subject of human trafficking:

• Northern Ireland Executive, ‘\textit{Justice Minister launches consultation on Human Trafficking Strategy}’, 1 July 2016

• NI Direct, ‘\textit{Human trafficking}’, [undated]

• NI Direct, ‘\textit{Help and support for victims of human trafficking}’, [undated]

The most recent report of the Inter-Departmental Ministerial Group on Modern Slavery, published in October 2015, provides information on the similarities and differences between the \textit{Modern Slavery Act 2015} and the \textit{Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015}.


\textsuperscript{46} \textit{Explanatory Notes}, 13 January 2015, p 2.

\textsuperscript{47} North South Inter-Parliamentary Association, \textit{Human Trafficking}, 5 June 2015, p 24.

4. EU Directive on Human Trafficking

In March 2010, the European Commission issued a proposal for a new anti-trafficking directive, which would build on the Council of Europe Convention on Action against Trafficking in Human Beings adopted in 2005 and signed by the UK in 2007. The directive was agreed and adopted in 2011. The European Commission stated that the directive:

[...] takes a victim centred approach, including a gender perspective, to cover actions in different areas such as criminal law provisions, prosecution of offenders, victims’ support and victims’ rights in criminal proceedings, prevention and monitoring of the implementation.\(^{49}\)

The Explanatory Notes to the Modern Slavery Act 2015 state the following in respect of the EU Directive:

A final text was agreed in March 2011 and was adopted on 5 April 2011: Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decisions 2002/629/JHA (the “Directive on preventing and combating trafficking”). That Directive adopts and expands upon the obligations and definitions contained in the Palermo Protocol and the Convention on Action against Trafficking. The United Kingdom has opted into this Directive. In order to ensure full compliance with the obligations contained in that Directive in England and Wales, Parliament made changes to the Sexual Offences Act 2003 and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 through sections 109 and 110 of the Protection of Freedoms Act 2012.\(^{50}\)

Further information on the UK Government’s decision to opt in to this EU Directive is set out in the following briefings:

- House of Lords Library, Question for Short Debate on 2 February: Human Trafficking, 23 January 2012 (see pages 10–2)
- House of Commons Library, Human Trafficking: UK responses, 13 January 2014 (see pages 22–7)


\(^{50}\) Explanatory Notes, 26 March 2015, p 2.
5. Further Information

5.1 Statistics

The Government has stated that the “true extent of modern slavery in the United Kingdom, and indeed globally, is unknown”.\(^{51}\) This is because it is a “hidden crime, which means it is challenging to assess its prevalence accurately”.\(^{52}\) However, estimates have been made about its prevalence.

**International**

The International Labour Organisation estimates that 21 million people (three out of every 1,000 people) are victims of forced labour worldwide—11.4 million women and girls and 9.5 million men and boys.\(^{53}\) In addition:

- Almost 19 million victims are exploited by private individuals or enterprises and over 2 million by the state or rebel groups.
- Of those exploited by individuals or enterprises, 4.5 million are victims of forced sexual exploitation.
- Forced labour in the private economy generates US$150 billion in illegal profits per year.
- Domestic work, agriculture, construction, manufacturing and entertainment are among the sectors most concerned.
- Migrant workers and indigenous people are particularly vulnerable to forced labour.\(^{54}\)

**United Kingdom**

In 2014, the Home Office estimated that there were between 10,000 and 13,000 potential victims of modern slavery in the UK in 2013.\(^{55}\) The most recent report of the Inter-Departmental Ministerial Group on Modern Slavery, published in October 2015, provided the following assessment of modern slavery in the UK:

> The National Crime Agency (NCA) estimates that 3,309 potential victims of human trafficking came into contact with the State or NGOs in 2014 (a 21% increase on 2013). And the National Referral Mechanism (NRM)—the UK’s framework for referring and supporting victims—received 2,340 referrals of potential victims in 2014 (a 34% increase on 2013). We believe that these increases are the result of recent efforts to raise public awareness of modern slavery and to encourage victims to seek support, while

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\(^{51}\) Explanatory Notes, 26 March 2015, p 1.


\(^{55}\) Home Office, "True scale of modern slavery in UK revealed as strategy to tackle it published", 1 December 2014.
also demonstrating that we still have much to do to shine a light on the issue.\textsuperscript{56}

In 2015, 3,266 potential victims of human trafficking or modern slavery were referred to the NRM in the UK (a 39.5% increase on 2014).\textsuperscript{57}

The report added the following on convictions in 2014:

In 2014, there were 190 modern slavery offences charged in England and Wales (a 14% increase on 2013). We expect to see an increase in the number of prosecutions once the police and criminal justice system start to make greater use of the new offences.\textsuperscript{58}

5.2 House of Lords Private Members’ Bill

On 23 May 2016, Baroness Young of Hornsey (Crossbench) introduced a private members’ bill: Modern Slavery (Transparency in Supply Chains) Bill [HL] 2016–17. The Bill would require commercial organisations and public bodies to include a statement on slavery and human trafficking in their annual report and accounts; and to require contracting authorities to exclude from procurement procedures economic operators who have not provided such a statement.\textsuperscript{59}

Baroness Young has outlined the intentions behind her Bill as follows:

The Modern Slavery Act 2015 has been described as a positive ‘game-changer’ by some of the best known high street retailers. This private members’ bill seeks to strengthen the legislation relating to supply chain transparency compliance and reporting and in doing so help consumers find out which companies are doing their best to eradicate slavery and forced labour from their supply chains. The Modern Slavery (Transparency in Supply Chains) Bill inserts public bodies into the Modern Slavery Act part 6 section 54 on transparency in supply chains, requiring both them, and commercial organisations, to include a statement on slavery and human trafficking in their annual report and accounts. In addition, contracting authorities will be required to exclude from procurement procedures companies that have not provided such a statement. The Bill also requires the Secretary of State to publish a list of all the commercial organisations that have to publish a statement in an accessible format for ease of use by consumers and NGOs.\textsuperscript{60}

The Bill received its second reading in the House of Lords on 8 July 2016.\textsuperscript{61} Committee stage is yet to be scheduled.

Responding on behalf of the Government during the second reading debate, Lord Keen of Elie, Advocate-General for Scotland, stated that


\textsuperscript{57} PQ 41383, 30 June 2016.


\textsuperscript{61} HL Deb 8 July 2016 cc2223–227.
while the Government welcomed “some of the proposals [in the Bill], we do not consider that primary legislation is required to achieve these ends”.

Speaking on behalf of the Labour Party during the debate, Lord Kennedy of Southwark stated that the “excellent” Bill had his support, adding: “I wish it speedy progress through your Lordships’ House”. Baroness Hamwee, speaking on behalf of the Liberal Democrats, stated that she wished the Bill “a very fair wind”.

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62 Hl Deb 8 July 2016 cc2252
63 Hl Deb 8 July 2016 cc2247–9
64 Hl Deb 8 July 2016 cc2247
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